

By: Wu, Moody, King of Parker, White

H.B. No. 492

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the issuance of a warrant authorizing the use of a
3 no-knock entry by a peace officer.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Chapter 15, Code of Criminal Procedure, is
6 amended by adding Article 15.251 to read as follows:

7 Art. 15.251. NO-KNOCK WARRANT. (a) In this article,
8 "no-knock entry" means a peace officer's entry, for the purpose of
9 executing a warrant, into a building or other place without giving
10 notice of the officer's authority or purpose before entering.

11 (b) Except as provided by Subsection (c), a magistrate may
12 not issue a warrant under this chapter that authorizes a no-knock
13 entry.

14 (c) A district court judge or statutory county court judge
15 may issue a warrant under this chapter that authorizes a no-knock
16 entry only if:

17 (1) the complaint is submitted concurrently with a
18 statement, signed by the chief administrator of the law enforcement
19 agency employing the affiant or by the chief administrator's
20 designee, that a no-knock entry is necessary to avoid the risk of
21 death or serious bodily injury to peace officers and to others; and

22 (2) the warrant requires:

23 (A) each peace officer executing the warrant to
24 be in uniform or otherwise clearly identifiable as a peace officer;

1 and

2 (B) to the extent that the law enforcement agency
3 has the technology available, that the agency make a good faith
4 effort to have each peace officer executing the warrant be equipped
5 with a body worn camera.

6 (d) A person designated by a chief administrator under
7 Subsection (c)(1) must be a peace officer who reports directly to
8 the chief administrator.

9 SECTION 2. Chapter 18, Code of Criminal Procedure, is
10 amended by adding Article 18.025 to read as follows:

11 Art. 18.025. NO-KNOCK WARRANT. (a) In this
12 article, "no-knock entry" has the meaning assigned by Article
13 15.251.

14 (b) Except as provided by Subsection (c), a magistrate may
15 not issue a warrant under this chapter that authorizes a no-knock
16 entry.

17 (c) A district court judge or statutory county court judge
18 may issue a warrant under this chapter that authorizes a no-knock
19 entry only if:

20 (1) the affidavit under Article 18.01(b) is submitted
21 concurrently with a statement, signed by the chief administrator of
22 the law enforcement agency employing the affiant or by the chief
23 administrator's designee, that a no-knock entry is necessary to
24 avoid the risk of death or serious bodily injury to peace officers
25 and to others; and

26 (2) the warrant requires:

27 (A) each peace officer executing the warrant to

1 be in uniform or otherwise clearly identifiable as a peace officer;
2 and

3 (B) to the extent that the law enforcement agency
4 has the technology available, that the agency make a good faith
5 effort to have each peace officer executing the warrant be equipped
6 with a body worn camera.

7 (d) A person designated by a chief administrator under
8 Subsection (c)(1) must be a peace officer who reports directly to
9 the chief administrator.

10 SECTION 3. The change in law made by this Act applies only
11 to a warrant issued on or after the effective date of this Act. A
12 warrant issued before the effective date of this Act is governed by
13 the law in effect on the date the warrant was issued, and the former
14 law is continued in effect for that purpose.

15 SECTION 4. This Act takes effect September 1, 2021.